IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 27406 of 2006(K)

PETITIONER:

A.A.SANTHAMMA, NURSE SENIOR GRADE,
GOVERNMENT HOMOEO HOSPITAL,
CHERTHALA.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REP. BY ITS SECRETARY,
   DEPARTMENT OF HOMOEPATHY, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF HOMOEOPATHY,**
   HOMOEOPATHIC DEPARTMENT,
   THIRUVANANTHAPURAM.

3. **SMT.K.LATHIKA, NURSE GR.II,**
   GOVERNMENT HOMOEO HOSPITAL,
   NORTH PARUR.

BY ADV. SRI.RENJITH THAMPAN for R3
SMT.P.A.ANITHA
BY GOVT.PLEADER SRI. P. NANDAKUMAR for R1 & R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF THE ORDER DTD. 2/12/1991 OF THE GOVERNMENT.**
EXT.P2:	**COPY OF THE ORDER DTD. 23/05/2006 OF THE 2ND RESPONDENT.**
EXT.P3:	**COPY OF THE JUDGMENT DTD. 14/07/2006 N W.A.NO.991 OF 2006.**
EXT.P4:	**COPY OF THE REPRESENTATION DTD. 16/08/2006 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

/TRUE COPY/

Kss

K.K.DENESAN, J.

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WP(C).No.27406 OF 2006-K.

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Dated this the 24th day of January, 2007.

J U D G M E N T

The petitioner feels aggrieved by Ext.P2 order transferring her from North Parur in Ernakulam district to Cherthala in Alappuzha district. This was done on the request made by the 3rd respondent who is a district recruit in Kollam district. It is contended that the present transfer is plainly against the principles laid down in the matter of inter-district transfers. I find that the above contention is valid. There is no effective reply from the 3rd respondent against the ground taken by the petitioner. Of course, the 3rd respondent would put forward contentions justifying her transfer to Ernakulam on personal and family problems. Such problems shall have to be considered by the Government in appropriate cases but interventions contrary to the principles laid down by the Government in the matter of inter-district transfers are liable to be interfered. Therefore, Ext.P2, as far the petitioner and the 3rd respondent is concerned, is liable to be set aside. I do so. Appropriate orders shall be passed by the 2nd respondent posting the 3rd respondent and the petitioner in

the districts from where they were transferred, as early as possible. This shall be done, in any view of the matter, within one month from the date of receipt of a copy of this Judgment. It is, however, necessary to post the petitioner the first arising open vacancy in Ernakulam district, in view of the fact that her case was once considered and favourable orders were passed.

The writ petition is disposed of as above.

K.K.DENESAN, JUDGE.

kvs/-